

**STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION**

Amend
Sections 550, 551, and 552 Re: Regulations for Hunting
and Other Public Uses on State and Federal Areas
Title 14, California Code of Regulations

- I. Date of Initial Statement of Reasons: April 13, 2004
- II. Date of Pre-adoption Statement of Reasons: July 7, 2004
- III. Date of Final Statement of Reasons: August 17, 2004
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 6, 2004
Location: San Diego
 - (b) Discussion Hearing: Date: June 25, 2004
Location: Crescent City
 - (c) Adoption Hearing: Date: August 6, 2004
Location: Bridgeport

V. Update:

Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

Originally proposed amendment language for two Subsections in 551(q), addressing Gray Lodge and Upper Butte Basin Wildlife Areas, does not provide the clarity the amendments were originally intended to provide. The proposed new language included in Subsection 551 (q)(27)(E) of the Pre-adoption statement for the Gray Lodge Wildlife Area replaced the original language and provided the necessary clarity to avoid confusing public users and staff. The originally proposed language in Subsection 551 (q)(42)(D) for the Upper Butte Basin Wildlife Area was withdrawn as it became evident that it could not be definitively interpreted making it unenforceable.

Originally proposed amendment language relating to the following Subsections in 550 and 551 pertaining to the Oroville and Spenceville Wildlife Areas was rejected by the Commission after reviewing written public correspondence and hearing public testimony during the Adoption Hearing in Bridgeport. Specifically,

proposed amendments to Subsections 550 (a)(73) (Oroville Wildlife Area) and (97) (Spenceville Wildlife Area); Subsections 551 (q) and 551 (q)(33)(B) (Oroville Wildlife Area); 551 (q) and 551 (q)(39)(A) (Spenceville Wildlife Area), were rejected.

Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

Modifications included in the Pre-adoption Statement of Reasons to the originally proposed language pertaining to the Gray Lodge Wildlife Area were made to clarify the original amendment language first proposed in the Initial Statement of Reasons. The amended language better defines what an unregistered camper or camper shell is for the purposes of enforcing the regulations.

For the Upper Butte Basin Wildlife Area, the language included in the Pre-adoption Statement of Reasons was withdrawn by the Department because it does not provide the intended clarity, and in fact may confuse public users of the area.

Modifications included in the Pre-adoption Statement of Reasons pertaining to the conversion of Oroville and Spenceville Wildlife Areas from Type C to Type B areas was deleted because the Commission rejected the Department's proposed amendments to change the designations.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

Florence Sloane, San Diego, Public Testimony, May 6, 2004 Notice Hearing; Florence Sloane, San Diego, e-mail dated May 13, 2004.

Recommends the Department amend Subsection 550 (b) (14) (Use of dogs and Field Trials) to add new language complimenting the Department's proposed amendment to the Subsection. The new language would state that those areas where dogs are allowed for hunting shall be designated dog training areas, except where the Department determines there is a specific need to exclude dogs from the area.

Department Analysis/Recommendation: Reject.

Implementing the above proposed change to the regulations is not warranted, nor necessary. The Department's proposed amendment to the regulations is for clarity purposes only. The Department's necessity statement for the amendment is being proposed because staff in the regions have noticed that the existing regulations for dogs and Field Trials is confusing and could lead public users to believe that dog training is permitted in all maintained areas of the wildlife area, which could include sensitive habitat areas during nesting periods. The Department's proposed amendment would clarify that dog training is permitted only in designated areas. This affords area managers the necessary flexibility to

designate any area on the wildlife area for dog training where appropriate. The additional language proposed by Ms. Sloane, if accepted, would likely create additional confusion because designated hunting zones often change due to necessary habitat management and development activities in support of sensitive species which are frequently found in the hunt zones on many wildlife areas. Additionally, the Department would be required to amend most of the Subsections in the 551 (q) regulations for each of the 100+ wildlife areas statewide to designate and justify in regulation, specifically where dog training is not allowed, within authorized hunting zones.

Steven D. Grantham, Arcata, e-mail dated July 23, 2004.

A. C. & Lynn Mosher, Covelo, letter dated July 25, 2004.

Pat Johnson, Eureka, e-mail dated July 27, 2004.

Carl Johnson, Eureka, e-mail dated July 28, 2004.

Julie Carins, McKinleyville, e-mail dated July 28, 2004.

Robert & Alice Ensmyners (sic), Arcata, letter dated July 28, 2004.

Thomas Cairns, Redwood Empire Retriever Club, McKinleyville, Public Testimony, August 6, 2004, Adoption Hearing.

Virginia Handley (sic), The Fund for Animals, San Francisco, Public Testimony, August 6, 2004, Adoption Hearing.

Commenters recommend that the Commission deny the Department's proposed amendments to Subsection 551 (q)(11)(E) Lake Earl Wildlife Area (Special Restrictions) and Subsection 551 (q)(13)(E) Mad River Slough Wildlife Area (Special Restrictions) to restrict dogs except during the waterfowl hunting season.

Department Analysis/Recommendation: Deny Recommendation.

Commenters indicate that this regulation unduly punishes individuals training dogs by eliminating areas for this activity and that few places locally are available for dog training. Both of these wildlife areas are adjacent to urban centers. Both experience significant activity from dog owners (primarily non-hunting dogs). Existing regulations require dogs on leash from March 1 to August 15 to protect those wildlife species for which the land was acquired during the nesting and breeding season. This regulation has been in effect for many years on north coast wildlife areas. In addition, waterfowl hunting season in this area is from October to January. Both wildlife areas are Type C areas (with limited staff or unstaffed facilities) with hunting seven days a week. Dog training activity on these areas is already limited. However, other north coast wildlife areas are not being proposed with additional regulations and are still available for this activity where it does not compromise existing management. The Eel River Wildlife Area in Humboldt County in particular, annually hosts organized dog trials in late August.

The recommendation, if accepted, would continue to create disturbance to these two properties that were purchased with monies identified for protection of coastal wetlands and have been designated wildlife areas. Department staff has observed that violation of this regulation has increased and will continue to do so. Disagreements have resulted between Department staff and dog owners as to whether or not a dog was leashed. This regulation will eliminate any disagreements and allow effective enforcement where warranted and protect wildlife from unnecessary disturbance.

Dan Mallia, Willows, e-mail dated July 22, 2004.
Thomas Phillips, Santa Clara, e-mail dated July 22, 2004.
Rudy Buriani, Vacaville, e-mail dated July 22, 2004.
Mike Dardzinski, Galt, e-mail dated July 23, 2004.
Rick Schussel, Pleasanton, e-mail dated July 23, 2004.
Tim Hermansen, Oroville, e-mail dated July 24, 2004.
George Spatta, Sacramento, e-mail dated July 24, 2004.
Patrick F. Everly, Citrus Heights, letter dated July 27, 2004.
Bill Gaines, California Waterfowl Association, Sacramento, letter dated July 27, 2004.
Ted Soderstrom, Chico, letter dated August 2, 2004.
Virginia Handley (sic), The Fund for Animals, San Francisco, Public Testimony, August 6, 2004, Adoption Hearing.
Kevin Burroughs, Sonora, Public Testimony, August 6, 2004, Adoption Hearing.
Mark Hennelly, California Waterfowl Association, Sacramento, Public Testimony, August 6, Adoption Hearing.

Commenters recommend that the Commission reject the Department's proposed amendments to Subsection 551 (q)(33) Oroville Wildlife Area (Change from type C to Type B Area) and Subsection 551 (q)(39) Spenceville Wildlife Area (Change from type C to Type B Area).

Department Analysis/Recommendation: Deny Recommendation.

Commenters indicate that this regulation will limit hunter opportunity by changing these Areas to type "B" Wildlife Areas. Both of these wildlife areas are adjacent to large growing urban areas. The heavy demand by the public to use these facilities is having a detrimental affect on the wildlife population that the areas were intended for. Oroville Wildlife Area (OWA) has over 450,000 recreational user days per year (DWR, 2004 Recreational study plan for FERC 2100 project); Spenceville Wildlife Area (SWA) has approximately 250,000 recreational user days per year (DFG staff estimate). Both areas experience significant activity from a variety of recreational users; these uses include fishing, horseback riding, dog training and trials, nature walks, hunting, limited camping, bike riding, etc. Existing regulations for type "C" areas allow for hunting seven days a week. Due to the linear shape of these areas, long and narrow, this large recreational demand pushes wildlife off the areas on to less desirable habitat.

Commenters also indicate that this is just a ploy by the Department to generate funds and that the hunters (unfairly) are the only users that pay. Additionally, commenters indicate that type "B" passes are expensive and hard to find. While it is unfair that a small portion of our recreational users continue to pay more, while the rest pay nothing, under current regulations the Department has no means to charge other users. In regards to the comments, type "B" passes are too expensive and hard to find, the passes are approximately \$36 and are good on all type "B" areas for the entire season, not just one entry, and are available at all Fish and Game offices that sell licenses and licensing agents.

Updated Informative Digest/Policy Statement Overview

Existing regulations in sections 550, 551, and 552, Title 14, CCR provide for various types of public uses on wildlife areas administered by the Department of Fish and Game (Department). The Department also administers the waterfowl hunt program on a number of Federal wildlife refuges. The Department is proposing several regulatory changes to provide greater clarity, impose necessary use restrictions, and increase public use opportunities.

Section 550

Subsection 550(a)(10)(Cache Creek Wildlife Area) would be amended to delete the Destanella Flat Unit and Colusa County, and to add the North Fork Cache Creek Unit to the Cache Creek Wildlife Area. The Destanella Flat Unit was purchased by the Rocky Mountain Elk Foundation and managed by the Department until its sale to the Bureau of Land Management in 1999. The North Fork Cache Creek Unit has been owned by the Department since 1988, but was never formally designated a unit of the wildlife area.

Subsection 550(a)(11)(Camp Cady Wildlife Area) would be amended to correct the spelling for San Bernardino County.

Subsection 550(a)(15) would be amended to add Clear Lake Wildlife Area (Lake County), including the Rodman Slough Unit (Type C). The 97.21 acre parcel was purchased by the Department on February 18, 2000 in conjunction with an adjacent 133 acre parcel that was deeded to the Lake County Land Trust. Only the Rodman Slough Unit will become part of the Clear Lake Wildlife Area. The purpose of the purchases was to protect public access for hunting and fishing.

Subsection 550(a)(35) would be amended to add Fitzhugh Creek Wildlife Area (Modoc County) (Type C). The 2,100± acres were recently acquired by the Department to protect and restore riparian and stream habitats, and protect sensitive species such as willow flycatcher, sandhill crane, and winter deer and antelope range. The acquisition will increase public use opportunities such as fishing, hunting, hiking, and birding.

Subsections 550(a)(85)(San Jacinto Wildlife Area) would be amended to add a December 2003, 9,100 acre acquisition, designated the Potrero Unit, to the San Jacinto Wildlife Area. The proposed amendment would also designate the existing wildlife area, the Davis Road Unit. New regulations would be proposed for the Potrero Unit to regulate and manage public use. The existing wildlife area regulations would not be amended and would apply only to the Davis Road Unit.

Subsections 550(a)(73)(Oroville Wildlife Area) and (97)(Spenceville Wildlife Area) would be amended to change Oroville and Spenceville Wildlife Areas from Type C to Type B wildlife areas. Both Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicycling, nature viewing, etc., are beginning to stress wildlife using these areas. The area manager believes that limiting hunting to Saturdays, Sundays and Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. The amendments will also ease public use conflicts and improve public safety. **Originally proposed amendment language relating to the subject Subsections was rejected by the Commission after reviewing written public correspondence and hearing public testimony during the Adoption Hearing in Bridgeport.**

Subsection 550(b)(4) (Permit Requirements). The existing regulation does not clearly state that wildlife area users must return their entry permit upon departing any State wildlife area or portion thereof where the Department has limited public entry. The proposed amendment would clearly state that any person entering any State wildlife area with limited entry must complete and return the entry permit to the checking station, or drop box.

Subsection 550(b)(14)(Use of dogs and Field Trials). The existing regulation is confusing and could lead users to believe dog training is permitted in all maintained areas on the wildlife area, which could include sensitive habitat areas. The proposed amendment would clarify that dog training is permitted only in designated areas.

Section 551

Subsection 551(h)(2) (Issuance of One-day Entry Permits). The existing regulation is confusing to some 16 and 17 year old hunters causing them to question whether or not they can hunt by themselves, without an adult. The proposed amendment would state clearly that persons 16 or 17 years of age, in possession of a valid resident or nonresident hunting license, will be issued an entry permit and may hunt by themselves, but may not be accompanied by junior hunters.

Subsections 551(h)(4) (Issuance of One-day Entry Permits), 551(i) (Daily Entry Permit Revocations, Refusals, and Ejections) and 551(o)(3) (Penalties). The existing regulations do not apply penalties in a consistent manner for violations by unruly hunters and/or their non-hunting guests throughout the hunting season. Wildlife area managers state that current regulations which bar or eject a person, or revoke a permit, on any State operated wildlife area or Federal wildlife refuge, only do so from the date the violation is discovered for the remainder of the current season or year. State wildlife area and Federal wildlife refuge managers state that persons violating the regulations late in the hunting season (such as the waterfowl season) may only be banned from these areas for as little as one day or week, while early season violators are subject to being banned for the entire season for the same violation. The proposed changes to the regulations would bar or eject a person, or revoke a permit under the above circumstances and would increase the penalty for unruly behavior and/or dangerous conduct by hunters and non-hunting guests for one calendar year from the date the violation is discovered.

Subsection 551(i) (Daily Entry Permit Revocations, Refusals, and Ejections). The existing regulation currently states that the decision of the Department employee in charge of the area shall be final. The proposed change to the regulation would more fully describe to public users specifically which Department employees have the authority to revoke or refuse to issue, a Daily Entry Permit, or have the authority to eject them from Type A wildlife areas or refuges, or Type B wildlife areas. The change to the regulation would amend the wording to state that Department employees assigned management or enforcement responsibilities for the area would have the authority to enforce the regulation. The amendment would make the wording in Subsection 551(i) consistent with similar wording used in Subsection 551(b)(21).

Subsection (551)(j)(5) (Reservations). The existing regulation states that non-shooters shall not discharge or possess a firearm on the area, but is silent as to whether or not non-shooters can possess ammunition. The proposed regulation would prohibit non-shooters from possessing ammunition on the area. There is no need for non-shooters to possess ammunition and this change in language would preclude the possibility of a non-shooter from carrying additional shot shells that shooters already possessing the 25 shot shell limit could use. Law enforcement staff currently have no legal authority to cite non-shooters for possessing ammunition while on State wildlife areas and Federal refuges.

Subsection 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS). Existing regulations would be amended to delete the Destanella Flat Unit and Colusa County, and to add the North Fork Cache Creek Unit to the Cache Creek Wildlife Area. The Destanella Flat Unit was purchased by the Rocky Mountain Elk Foundation and managed by the Department until its sale to the Bureau of Land Management in 1999. The North Fork Cache Creek Unit has been owned by the Department since 1988, but was never formally designated as a unit of the wildlife area.

Subsections 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS), 551(q)(33) (Oroville Wildlife Area) and 551(q)(39) (Spenceville Wildlife Area). The existing regulations designate the Oroville and Spenceville Wildlife Areas Type C wildlife areas. The proposed amendments to the regulations would

change Oroville and Spenceville Wildlife Areas to Type B wildlife areas. The amendments would also bring the two areas into consistency with other Type B wildlife areas, and with Subsections 551(d)(1) and (2) which define permitted hunt days on Type B areas. Both the Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicycling, nature viewing, etc., are beginning to stress wildlife using these areas. The area manager believes that limiting hunting to Saturdays, Sundays, and Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. The amendments will also ease public use conflicts, and improve public safety. **Originally proposed amendment language relating to the subject Subsections was rejected by the Commission after reviewing written public correspondence and hearing public testimony during the Adoption Hearing in Bridgeport.**

Subsections 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS) and 551(q)(35)(A)(B)and(C) (Red Lake Wildlife Area). The existing regulations do not provide adequate protection to the habitat and sensitive wildlife species using the wildlife area. The regulations would be amended to limit and control inappropriate public use and reduce risk of accidental wildfires on the wildlife area by specifying when hunting is permitted, which species may be taken and prohibiting trailers and camping on the area. The wildlife area was originally acquired to provide fishing access to Red Lake, to protect summer mule deer range and to provide and protect habitat for upland game bird species, willow flycatchers and other sensitive wildlife species including pine marten and fisher.

Subsection 551(q) (ADDITIONAL REGULATIONS FOR SPECIFIC AREAS), 551(q)(76)(A) (Davis Road Unit) and (B)(1) through (11) (Potrero Unit) (San Jacinto Wildlife Area). The regulations would be amended to create the Davis Road Unit and Potrero Units of San Jacinto Wildlife Area. The units would be added to the listings in subsection 551(q). Subsection 551(q)(76)(B)(1) through (11) would be proposed to regulate public use on the Potrero Unit.

Subsection 551(q)(10)(A) (Method of Take Restrictions) and (E) (Special Restrictions)(Horseshoe Ranch Wildlife Area). The existing regulations include provisions to accommodate the M-2 deer season. Due to declining deer numbers, the M-2 muzzleloader hunt has been eliminated. Consequently the wildlife area is no longer holding the special M-2 hunt. The regulations would be amended to delete all reference to the M-2 hunt in Subsection (A), and would eliminate Subsection (E) in its entirety.

Subsection 551(q)(11)(E) (Lake Earl Wildlife Area) (Special Restrictions) and Subsection 551(13)(E) (Mad River Wildlife Area) (Special Restrictions). The existing regulations for both wildlife areas require that dogs be on leash from March 1 through August 15. Public users have increasingly disregarded these regulations despite significant efforts by staff to educate them on the reasons dogs must be on leash while on the two areas. Staff reports that the use of dogs for regulated hunting during authorized seasons has not posed a problem on either wildlife area when they are under the control of the hunter, and hunting takes place outside of the ground bird breeding season. This information along with warnings that the Department was considering additional restrictions to protect the wildlife areas from uncontrolled dog use was posted at entry points and throughout both wildlife areas. During the above period, 214 dogs and their owners were observed using the Lake Earl Wildlife Area. Only 37 were in compliance with the regulation. On the Mad River Wildlife Area, staff observed 26 dogs and their owners using the Wildlife area. Only one was in compliance. Staff have determined that there are other nearby areas that can accommodate dogs and their owners and are thereby proposing that dogs would not be allowed on either of the wildlife areas except for hunting during open season for authorized species. The Department has determined that the use of dogs for hunting is not detrimental to wildlife.

Subsection 551(q)(15)(D) (Shasta Valley Wildlife Area) (Special Restrictions). The existing regulations allow hunters and non-hunters to access the wildlife area during the waterfowl hunting season. Non-hunting activities include hiking, horseback riding, mountain biking, and sightseeing. Use of the 2,870 acre wildlife area has increased measurably in recent years, particularly during the waterfowl hunting season. This increase has resulted in instances of non-hunter/hunter conflicts both in closed zone and other areas, and sometimes including designated hunt zones. There has also been a noticeable

disturbance to wildlife. Staff has tried various management techniques over the last six years to solve the problem, without success. The proposed amendment to the regulation would allow only individuals possessing a Type A or Type B season pass and their guests to enter the Shasta Valley Wildlife Area, on Wednesdays, Saturdays and Sundays, during the waterfowl hunting season. Other public users would still be allowed to use the wildlife area, on non-hunting days during the waterfowl season, and during the rest of the year.

Subsection 551(q)(23)(A) (Daugherty Hill Wildlife Area) (Method of Take Restrictions). The existing regulation does not permit the use of air rifles, firing pellets, for taking wild turkey on the area. Subsection 311(f) allows the use of pellet rifles (0.20 caliber or larger for taking wild turkeys and small game) and Section 551(b)(2) allows the use of pellet rifles on Type C wildlife areas, unless otherwise prohibited. The regulations would be amended to increase hunter opportunity by allowing the use of pellet rifles as defined in the subsections noted above, to take wild turkey in designated areas on the wildlife area.

Subsection 551(q)(23)(D)(Daugherty Hill Wildlife Area)(Camping and Trailers). The existing regulation does not allow camping and trailers on the wildlife area. The proposed amendment to the regulations, although not allowing camping, would allow for overnight parking of trailers in designated parking lots to accommodate hunters and other public users that arrive at the wildlife area, towing trailers.

Subsection 551(q)(23)(E) (Daugherty Hill Wildlife Area) (Special Restrictions). The existing regulations do not preclude licensed hunters from bringing dogs that are not used for hunting activities. The regulation would be amended to clarify that dogs may only be used by licensed hunters, and for the purpose of hunting. The regulations currently states that horses and bicycles are allowed only from May 1 to September 15, on the Daugherty Hill Unit of the wildlife area. The regulations would be amended to change the beginning date to May 10, in order to prevent overlap with the end of the spring turkey season. "Daugherty Hill" has been added to the last sentence in these regulations for clarity purposes.

Subsection 551(q)(26)(B) (Fremont Weir Wildlife Area)(Hunt Days) and Subsection 551(q)(26)(E) (Special Restrictions). The existing regulations allow hunting daily during open seasons for authorized species, and with a special restriction allowing hunting only from September 1 through January 31. The regulations will be amended to increase hunter opportunity by allowing hunting daily from July 1 through January 31 for authorized species, as well as during the spring turkey season. Subsection 551(q)(26)(E) (Special Restrictions) will be deleted. It is no longer applicable since this regulation is covered in the amended Subsection 551(q)(26)(B).

Subsection 551(q)(26)(C) (Fremont Weir Wildlife Area) (Authorized Species). The existing regulation allows only for pheasants, doves, quail, and waterfowl to be taken on the wildlife area. This regulation would be amended to increase hunter opportunity by allowing all legal species to be taken.

Subsection 551(q)(27)(B) (Hunt Days) and (D) (Authorized Species) (Gray Lodge Wildlife Area). The existing regulations do not permit hunting of quail on the wildlife area. The regulations would be amended to increase hunter opportunity by adding quail to the list of authorized species, and would specify that hunting of quail is only allowed on pheasant hunt days, along with rabbits which are currently hunted on pheasant hunt days.

~~Subsection 551(q)(27)(E) (Gray Lodge Wildlife Area) (Camping and Trailers). The existing regulations do not prevent public users on the wildlife area from leaving cabover campers at the checking station parking lot where camping is permitted, causing a crowding problem, particularly during the waterfowl hunting season. These campers are often left on the wildlife area for long periods of time without being used. Since cabover campers are not a motor vehicle, they are not registered making it difficult or even impossible for staff to identify the owners. It is also time consuming to remove abandoned cabover campers or camper shells since they must be declared as abandoned property which is a lengthy process. The regulation would be amended to require that all cabover campers be attached to a registered vehicle which would allow law enforcement to quickly remove them if the Department determines they are illegally~~

~~parked in the checking station parking lot or camping area.~~

Subsection 551(q)(27)(E) (Gray Lodge Wildlife Area) (Camping and Trailers). This section would be further amended as follows, with replacement language that provides better clarity than the amendment language first proposed. The existing regulations do not prevent public users on the wildlife area from leaving unregistered campers and/or camper shells normally attached to a vehicle at the checking station parking lot where camping is permitted, causing a crowding problem, particularly during the waterfowl hunting season. This proposed regulation is not intended to apply to registered camper trailers, or tent trailers that are towed behind a vehicle. These unregistered camper shells and campers are often left on the wildlife area for long periods of time without being used. Since the subject campers, and/or camper shells are not a motor vehicle, or a towable camper trailer, they are not registered making it difficult or even impossible for staff to identify the owners. It is also time consuming to remove abandoned unregistered campers or camper shells since they must be declared as abandoned property which is a lengthy process. The regulation would be amended to require that all attached unregistered campers remain attached to a registered vehicle when on the area, which would allow law enforcement to quickly remove them if the Department determines they are illegally parked in the checking station parking lot or camping area.

Subsection 551(q)(28)(D) (Hallelujah Junction Wildlife Area) (Special Restrictions). The existing regulations, though not allowing hunting on the area during the period February 1 through April 30, do permit general public entry to the area. The proposed amendment to the regulation would close the area to all public entry from February 1 through April 30 and require all public users to access the wildlife area at the designated entry point adjacent to Highway 395. The wildlife area was acquired to preserve and protect critical winter range habitat and to maintain and protect the traditional migration corridors(s) of the Loyalton-Truckee deer herd from the encroachment of residential development. Residential development, particularly on the Nevada side of the property, is expanding resulting in increased public use. Unauthorized vehicles, including motorcycles and all terrain vehicles, trespass on the wildlife area, causing severe stress to the Loyalton-Truckee deer herd, during one of the most critical times of the year, their last trimester of pregnancy. This time of year is also important to the overall health of all the deer wintering on the area. Many off road users are accessing the area at unauthorized points from adjacent public and private land. This change in the regulation will not affect public hunting on the area, since all hunting ceases on January 31.

Subsections 551(q)(33)(B) (Oroville Wildlife Area) (Hunt Days) and 551(q)(39)(A) (Spenceville Wildlife Area)(Hunt Days). The existing regulations for these wildlife areas are for Type C wildlife areas, but are proposed to become Type B wildlife areas. The proposed amendments to the regulations would bring the two areas into consistency with other Type B wildlife areas and with Subsections 551(d)(1) and (2), which define permitted hunt days on Type B areas. Both the Oroville and Spenceville Wildlife Areas are located adjacent to growing urban areas. Hunting of game species and increased general public uses such as hiking, bicycling, nature viewing, etc., is beginning to stress wildlife in these areas. The area manager believes that limiting hunting to Saturdays, Sundays and Wednesdays will actually increase hunter opportunity and quality by not pushing wildlife into inaccessible marginal areas. In addition, dove hunting would be allowed daily during for the first fifteen days of the early dove hunting season on both areas. The amendments will also ease public use conflicts and improve public safety on the two wildlife areas. **Originally proposed amendment language relating to the subject Subsections was rejected by the Commission after reviewing written public correspondence and hearing public testimony during the Adoption Hearing in Bridgeport.**

Subsections 551(q)(35)(A) (Hunt Days), (B) (Authorized Species), and (C) (Camping and Trailers) (Red Lake Wildlife Area). The existing general regulations in Sections 550 and 551 do not provide adequate protection to the habitat and sensitive wildlife species using the wildlife area. The regulations would be amended to limit and control inappropriate public use and reduce the risk of accidental wildfires on the wildlife area by specifying when hunting is permitted, which species may be taken, and would prohibit trailers and camping on the area. The wildlife area was originally acquired to provide fishing access to Red Lake, to protect summer mule deer range and provide and protect habitat for upland game

bird species, willow flycatchers and other sensitive wildlife species including pine marten and fisher.

Subsection 551(q)(37)(C) (Sacramento Bypass Wildlife Area) (Authorized Species). Existing regulations only allows hunting of upland game and waterfowl species. The regulation would be amended to increase hunter opportunity by allowing all legal species, except big game species, to be hunted while in season. The area manager states that the existing regulation is confusing to some hunters who are not sure if they can hunt rabbits and other game species.

Subsection 551(q)(38)(B) (Hunt Days) and (E) (Special Restrictions) (Sacramento River Wildlife Area). The existing regulations do not accurately reflect the intent of the wildlife area management plan which recommends regulatory consistency with the nearby Feather River Wildlife Area. Subsection (B) would be amended to adopt language similar to the language used for the Feather River Wildlife Area, which allows hunting daily from July 1 through January 31, and during the spring turkey season. Subsection (E) would be deleted as it is now covered in Subsection (B), and is no longer necessary.

Subsection 551(q)(42)(D) (Upper Butte Basin Wildlife Area) (Camping). ~~The existing regulation permits trailers and motor homes only in checking station parking lots. The proposed amendment to the regulation would add language for clarity, stating that trailers and motor homes shall not be allowed past checking station parking lots. This change would prevent large vehicles and trailers from becoming stuck, or stranded on narrow levee roads, as there are no safe areas to make U turns. The amendment would also prevent damage to roads and levees by large vehicles during periods of ground saturation. This~~ entire subsection would be deleted since it has become evident, as currently constituted, it cannot be definitively interpreted making it unenforceable. Staff will work with public users of the area to amend the existing regulation to define, for the purpose of this regulation, the meaning of the terms “large motor home, large vehicle, and large trailer”, to ensure that they do not enter areas where they can become stuck or stranded.

Subsection 551(q)(44)(B) (Yolo Bypass Wildlife Area) (Hunt Days). The existing regulations allow pheasant hunting only on waterfowl hunt days that occur during the pheasant season. The proposed amendment to the regulations would increase hunter opportunity to hunt pheasant on the wildlife area by allowing pheasants to be hunted each day during the first nine days of the general pheasant season and then on Saturdays, Sundays, and Wednesdays, during the remainder of the pheasant season.

Subsection 551(q)(44)(D) (Yolo Bypass Wildlife Area) (Camping and Trailers). The existing regulation states that camping and trailers are not allowed. The proposed amendment to the regulation would also prohibit overnight parking of trailers and motor homes on the wildlife area. Staff believe the amendment is necessary because some users believe they may park their motor homes and trailers overnight on the wildlife area, even though they claim they are not camping.

Subsection 551(q)(44)(E) (Yolo Bypass Wildlife Area) (Special Restrictions). The existing regulations do not require hunters hunting from blinds to hunt only from their assigned blinds. The proposed amendment to regulations would prohibit hunters from hunting outside their assigned blind, except to retrieve downed birds. The regulation is necessary to prevent hunters from hunting outside their blind, causing disturbance to other hunters working the same general area. The regulation would also be amended to make it clear that pheasant hunting is not permitted in the assigned blind areas of the wildlife area, in order to prevent disturbance to other hunters using the area. The amended regulations would prohibit hunters from accessing the free-roam hunt area from locations north of parking lot H. This change would preclude hunters from entering the area from the north disturbing hunters already in the field. The regulations would also be amended to restrict exit and entry to the wildlife area to designated locations, and would prohibit stopping vehicles between parking areas to drop off passengers or equipment.

Subsection 551(q)(46)(D) (Cache Creek Wildlife Area) (Special Restrictions). The existing regulations do not control and manage equestrian and mountain bike use in the Harley Gulch Unit of the wildlife area. Equestrian and bicycle use on the wildlife area is currently restricted annually under Subsection 550(b)(1) (Regional Managers Authority). These regulations will be amended to allow horses

and bicycles within the Harley Gulch Unit of the wildlife area only from the third Saturday in April through the third Saturday in November. This is to control trail damage and erosion caused in winter by equestrians' and bike riders' use of the trail system.

Subsection 551(q)(47)(B) (Grizzly Island Wildlife Area) (Hunt Days). The existing regulations do not allow the hunting of snipe during the first 12 days of the general pheasant season, except on waterfowl hunt days. The proposed amendment to the regulation would increase hunter opportunity by removing snipe from the list of species restricted from hunting by allowing hunting only on Saturdays, Sundays and Wednesdays, during open seasons. And would permit snipe to be taken on waterfowl hunt days and pheasant hunt days including the first 12 days of the general pheasant season.

Subsection 551(q)(47)(F) (Grizzly Island Wildlife Area) (Special Restrictions). The existing regulations restrict fires to portable gas stoves, throughout the year, but is not clear as to where they may be used. The proposed amendment would clearly state that portable gas stoves are to be used only in designated parking areas and sites.

Subsection 551(q)(61)(A)(5) (Cottonwood Creek Wildlife Area) (Special Restrictions). The existing regulation for the Lower Cottonwood Creek Unit of the wildlife areas does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours.

Subsection 551(q)(61)(B)(6) (Cottonwood Creek Wildlife Area) (Special Restrictions). The existing regulations for the Upper Cottonwood Creek Unit of the wildlife areas does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours.

Subsection 551(q)(63)(G) (Little Panoche Reservoir Wildlife Area) (Special Restrictions). The existing regulation does not clearly specify hunting hours that are allowed. The proposed amendment to the regulations would clarify that hunting is permitted only during daylight hours. The regulation would also be amended to clarify that motor vehicles are allowed only in designated areas and only during authorized dog trials.

Subsection 551(q)(66)(E) (North Grasslands Wildlife Area) (Special Restrictions). The proposed amendment to the regulation is for clarity. The existing regulations state that horseback riding is allowed during authorized dog trials only. The proposed amendment to the regulation would reword the phrase to allow horseback riding only in conjunction with authorized dog trials. The regulation would also be amended to allow the area manager to close the wildlife area to all public uses for seven days following the close of waterfowl season. This is to allow staff to accomplish post season maintenance and cleanup activities.

Subsection 551(q)(67)(F) (O'Neill Forebay Wildlife Area) (Special Restrictions). The existing regulations would be amended for clarity and would state that motor vehicles are permitted only in designated areas and only during authorized dog trials. The existing regulation does not specify what hours during the day hunting is allowed. The proposed amendment to the regulation would clarify that hunting is permitted during daylight hours only.

Subsection 551(q)(68)(F) (San Luis Reservoir Wildlife Area) (Special Restrictions). The existing regulation does not specify what hours during the day that hunting is allowed. The proposed amendment to the regulation would clarify that hunting is permitted during daylight hours only.

Subsection 551(q)(75)(A) (San Felipe Valley Wildlife Area) (Method of Take Restrictions). The proposed amendment is for clarity and would adjust the existing language in the regulations to allow for the hunting of predators and antlerless deer on the west side of Highway S-2. The current restrictions on rifles and pistols west of Highway S-2 were developed to limit the take of bucks to provide for a higher buck to doe in the area. The resulting prohibition of hunting predators and antlerless deer was

inadvertent. The proposed amendment to the regulations would allow for the hunting of both predators and antlerless deer on the entire wildlife area while still limiting the take of bucks through the general D-16 tag restriction. Additionally, the proposed amendment to the regulations will allow for buck hunting during the D-16 general deer season (archery and shotgun), special hunt A-22 (archery), and special hunt M-6 (muzzleloader).

Subsection 551(q)(75)(E) (San Felipe Valley Wildlife Area) (Special Restrictions). The regulation would be amended to clearly state that D-16 general deer zone tags may not be used west of Highway S-2.

Subsection 551(q)(76)(A) (Davis Road Unit) (San Jacinto Wildlife Area). The existing regulation would be amended to create two distinct units of the wildlife area, the Davis Road Unit and the Potrero Unit.

Subsection 551(q)(76)(B)(1) through (11) (Potrero Unit) (San Jacinto Wildlife Area). The existing regulation would be amended to add new recreational opportunities for a range of public uses on the Potrero Unit of the wildlife area. The addition of the proposed regulations would allow the Department to establish access to the area at designated entry and exit points and control public access through use of a day pass. The proposed regulations will allow for hunting of upland game and resident small game species in designated areas, and allow dogs on the area which must be on a leash unless actively involved in legal hunting or other authorized activity. The proposed regulations would also permit the Department to designate trails or routes on the area for bicycles. Paintball guns, parts and supplies would be prohibited. Overnight camping, fires and alcohol possession and/or consumption would be prohibited. Motorized vehicles would be prohibited except by written permission of the regional manager

Subsection 552(a)(6)(G) (San Luis National Wildlife Refuge). The proposed amended regulation would make it clear that the only way to access the Freitas Unit is by boat.

**State and Federal Wildlife Areas
ADENDUM TO FINAL STATEMENT OF REASONS**

Section VI. Summary of Primary Considerations Raised in Opposition and in Support.

Steven D. Grantham, Arcata, e-mail dated July 23, 2004

1. Commenter recommended that an alternative to enforce the temporary dog closer would be the issuance of citations in "observed" violations of the wildlife areas.

Department Analysis/Recommendation: Deny Recommendation.

Department staff posted both of the areas in question for some time warning dog owners and users of the area that it was considering restricting use of dogs on the are areas if violations continued. There is only one Fish and Game Warden assigned to this portion of the region making it difficult to provide the constant coverage that would be necessary to cite violators. Mad River Wildlife Area is not staffed. Two staff are assigned to the Lake Earl Wildlife Area and other adjacent areas near the city of Arcata. These staff does not have citation authority. They have tried unsuccessfully to educate the dog owners to keep dogs on a lease as required by the existing regulations.

2. The proposed closure is intended to facilitate the nesting success of ground breeding birds. Is there data to support the notion that the particular areas are even significant habitat for such nesters?

Department Analysis/Recommendation:

The Department has conducted a number of studies and collected data on ground nesting birds for its wildlife areas located along the coast in the region for some time. Studies consist of vegetation surveys, ground bird nesting use and success. Staff report these studies indicate that the areas used by ground nesting birds are significant and are impacted by unleashed dogs. Similar studies have also been conducted by Humboldt State University. The aforementioned study results are on file at the Department's Eureka field office.

3. If protection is made for ground nesting birds in the area, why is it not prudent to exclude grazing cattle from the same areas?

Department Analysis/Recommendation:

Cattle grazing is allowed on certain wildlife areas. At the areas in question, sensitive ground bird nesting areas are fenced off from cattle use through the use of electric fences and other means. Cattle grazing on wildlife areas are closely monitored by Department staff and the lessee. The Department uses cattle grazing as management tool to control fuel loads for fire control purposes, and manage habitat to achieve desired beneficial conditions for wildlife.

4. Department Staff has determined that there are other nearby areas that can accommodate dogs and their owners. Identify these areas.

Department Analysis/Recommendation:

Department staff have identified the following nearby public use areas to the Lake Earl Wildlife Area that can accommodate dogs: Kelloug Beach, South Beach, Pebble Beach, and Elk River Wildlife Area, and other local City and County Parks.

Additionally, Department staff has identified the following nearby public use areas to the Mad River Wildlife Area that can accommodate dogs: Ocean Beach, South Spit Management Area, Mad River County Beach, and other local City and County Parks.

Patrick F. Everly, Citrus Heights, letter dated July 27, 2004.

1. Commenter makes multiple objections to proposed changes to a Type B area.

Department Analysis/Recommendation:

The objections are now moot because the Commission rejected the proposed change for Oroville and Spenceville, from Type C to Type B areas.